



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Public Disclosure Commission

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Repeal

(1) Date of adoption: May 25, 1999

(2) Purpose: The amendment brings the rule into full compliance with the statutes that it implements.

(3) Citation of existing rules affected by this order:

Amended: WAC 390-14-035 Exempting Records From Public Inspection.

(4) Statutory authority for adoption: RCW 42.17.370(1)

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 99-09-067 on April 19, 1999.

Describe any changes other than editing from proposed to adopted version: Language was added to specify that information that is exempt from disclosure under any statutory provision, not simply those in 42.17 RCW, is to be deleted before allowing public inspection or copying of the document.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other: *

Emergency Rules

- ☐ Immediately
☐ Later:

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.300(3) is required)

NAME

Vicki Rippie

SIGNATURE

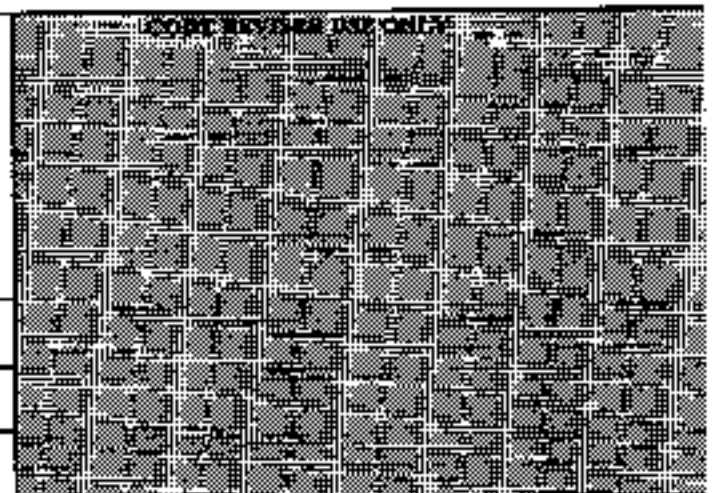
Vicki Rippie

TITLE

Assistant Director

DATE

5-26-99



AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

MAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information ~~((the disclosure of which would violate personal privacy or endanger vital government interests from any record prior to permitting public inspection or copying))~~ from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other law. After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(j) Short explanation of rule, its purpose, and anticipated effects:

The public records provisions of chapter 42.17 RCW have been amended over the years to provide specific exemptions from disclosure. Currently, WAC 390-14-035 includes general language regarding when the agency's public records officer is to redact information from documents before making them public. The proposed amendment removes this general language and says that redaction will occur if information in the document is exempt from disclosure pursuant to RCW 42.17.310 or elsewhere in the public disclosure law. Since the law has always been the controlling document, this proposed change will not impact the public.

Does proposal change existing rules: ☒ **YES** ☐ **NO** **If yes, describe changes:**

The change is technical rather than substantive.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ **YES. Attach copy of small business economic impact statement.**
A copy of the statement may be obtained by writing to:

☒ **NO. Explain why no statement was prepared.**

The proposed amendment does not have an economic impact on small businesses.

(l) Does section 201, chapter 403, Laws of 1995, apply to this rule adoption? ☐ **Yes** ☒ **No**
Please explain:

The Public Disclosure Commission is not specified in Section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information ~~{(the disclosure of which would violate personal privacy or endanger vital government interests from any record prior to permitting public inspection or copying)}~~ from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310 or another section of chapter 42.17 RCW. After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.